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OCT 21 2003

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October 20, 2003

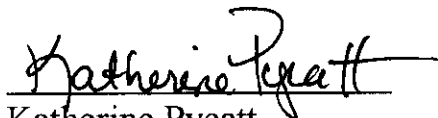
Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby – TW – A325
Washington, D.C. 20554

Re: Petition for Rule Making
Carnegie, Oklahoma

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my Petition for Rule Making
to add Channel 229A at Carnegie, Oklahoma.

Respectfully submitted,


Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030 Tele

CarCover

No. of Copies rec'd 0+4
List ABCDE 7/11-11B
03-328

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To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

Pursuant to 47 C.F.R. 1.401, Katherine Pyeatt respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 229A at Carnegie, Oklahoma.

Petitioner respectfully submits that the public interest would be served by allocating Channel 229A to Carnegie, Oklahoma as that community's first local service. Carnegie is an incorporated community with a population of 1,637 people.¹ Carnegie has its own mayor, its own post office, its own volunteer fire department, its own public school system, its own police

¹ 2000 U.S. Census

department, Thomas Adkins, Chief of Police, its own public library, its own city hall and a number of local churches. The proposed channel 229A will provide additional diversity and an outlet for local self-expression to Carnegie residents and therefore is in the public interest.

In order for Channel 229A to be allotted to Carnegie, Oklahoma, two vacant allotments will need to be replaced with equivalent channels. These vacant allotments are Channel 229A at Cordell, Oklahoma and Channel 226A at Taloga, Oklahoma.

The proposed changes are:

	<u>Present</u>	<u>Proposed</u>
Carnegie, OK	-----	229A
Cordell, OK	229A	226A
Taloga, OK	226A	236A

Attached hereto is a channel study confirming that Channel 229A can be allocated to Carnegie, Oklahoma, consistent with the FCC's FM separation rules provided the change is made at Cordell, Oklahoma. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A)

Reference coordinates for Channel 229A at Carnegie, Oklahoma are:

35 07 30 N
98 36 12 W

In order for Channel 229A to be allotted to Carnegie, Oklahoma the vacant allotment for Channel 229A at Cordell, Oklahoma must be replaced with Channel 226A.

Attached hereto is a channel study confirming that Channel 226A can be allotted to Cordell, Oklahoma consistent with the FCC's FM separation rules, provided the changes are made at Taloga, Oklahoma. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

The reference coordinates for Channel 226A at Cordell, Oklahoma are:

35 17 57 N
99 03 15 W

In order for Channel 226A to be allotted to Cordell, Oklahoma, the vacant allotment Channel 226A at Taloga, Oklahoma must be replaced with Channel 236A.

Attached hereto is a channel study confirming that Channel 236A can be allotted to Taloga, Oklahoma consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment C) Note: Channel 237C2 at Cherokee, Oklahoma was dismissed by Report & Order, DA 03-02-3362, released December 9, 2002. (See, Attachment D)

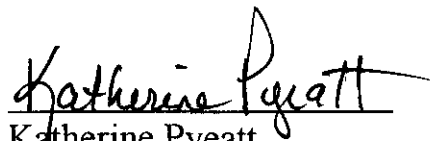
The reference coordinates for Channel 236A at Taloga, Oklahoma are:

36 02 30 N
98 52 30 W

Should this petition be granted, and Channel 229A be allotted to Carnegie, Oklahoma, Petitioner will apply for Channel 229A, and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katherine Pyeatt", written over a horizontal line.

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030

Tele

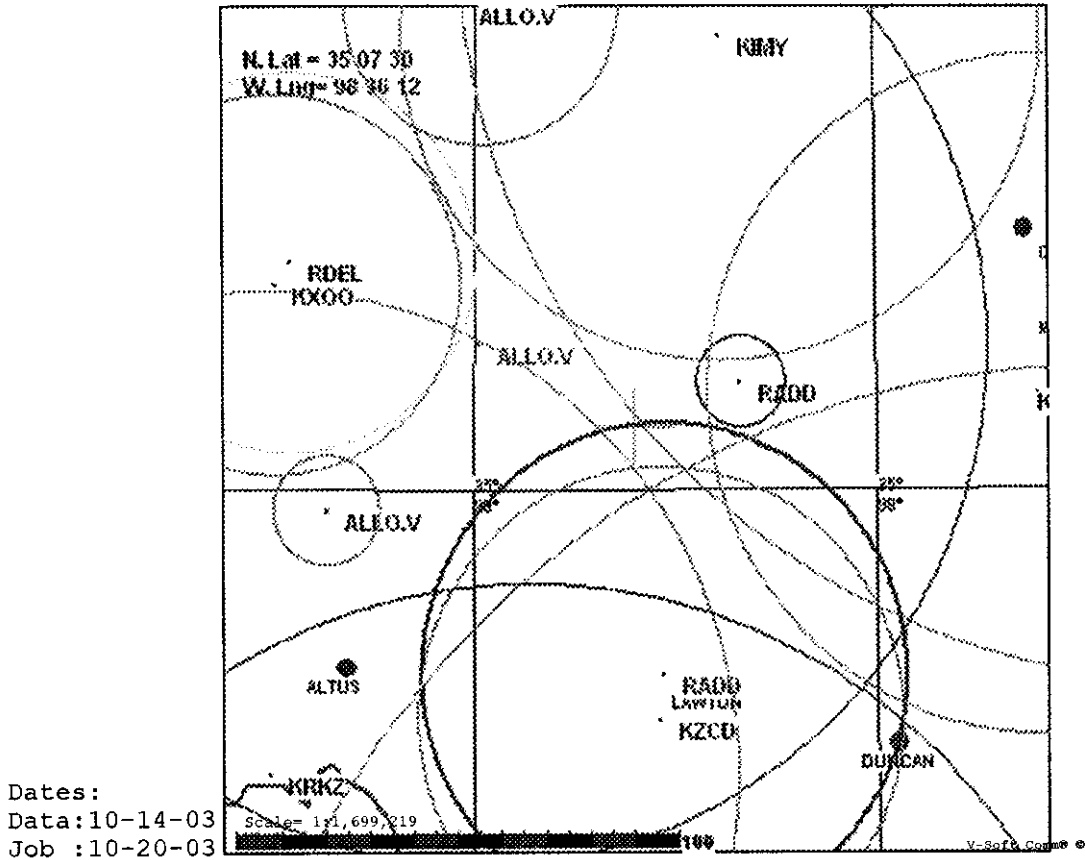
cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Katherine Pyeatt. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copier to Mr. Bechtel as well as Katherine Pyeatt.

October 20, 2003

Attachment A

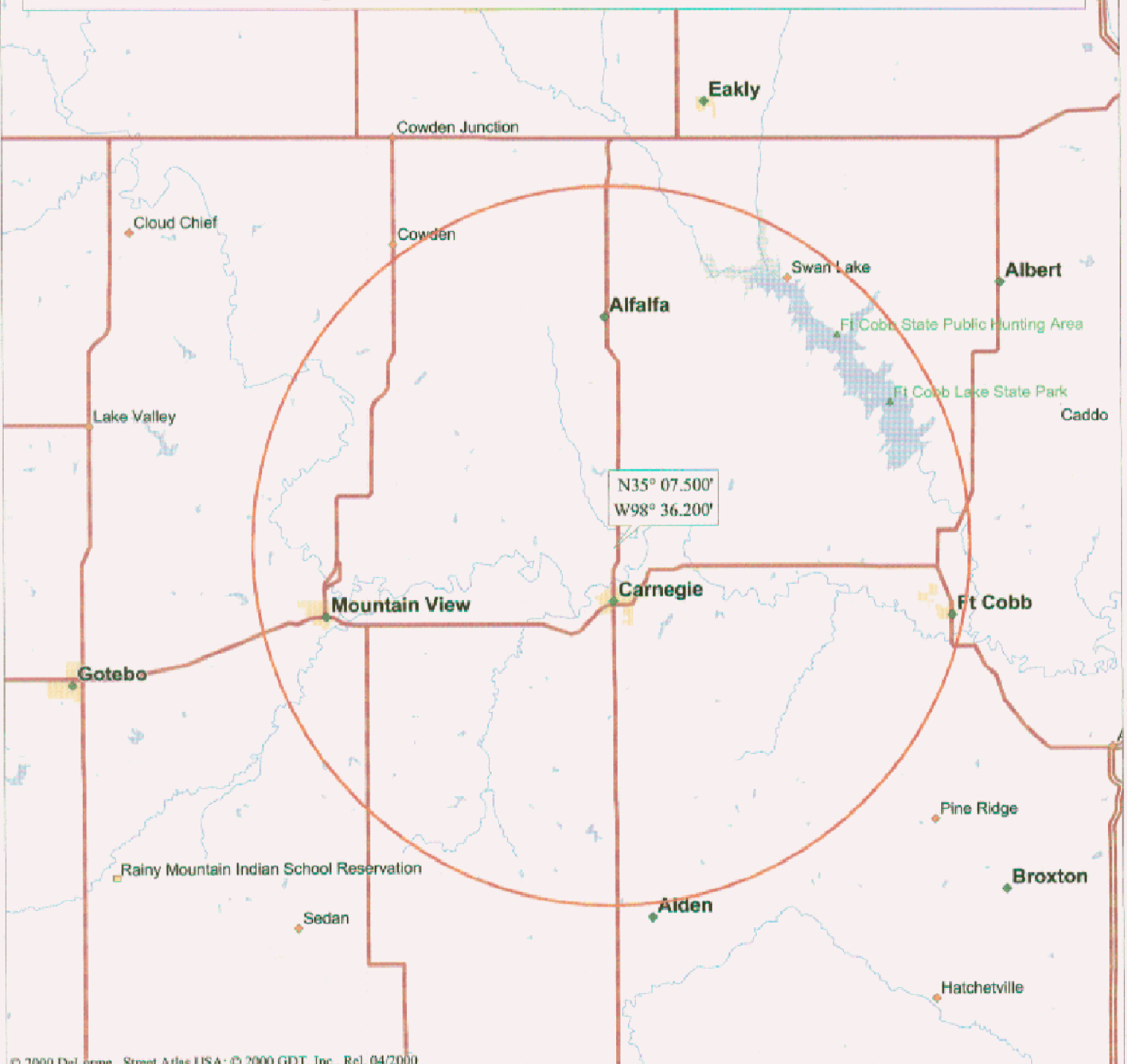
(Channel Study for Channel 229A at Carnegie, Oklahoma)

FM PROSP^(TM) LOCATE STUDY CH 229 A 93.7 MHz



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
ALLO.V	229A	VAC	Cordell	OK	39.68	297.7	115.0	-75.32
RDEL	231C2	DEL	Lawton	OK	54.57	172.9	55.0	-0.43
RADD	232C2	ADD	Lawton	OK	54.57	172.9	55.0	-0.43
KSPIFM	229C2	LIC	Stillwater	OK	167.82	48.9	166.0	1.82
KRKZ	228C2	LIC	Altus	OK	112.08	227.4	106.0	6.08
KZCD	231C2	LIC N	Lawton	OK	64.06	174.7	55.0	9.06
KNOR	229C1	LIC N	Krum	TX	213.71	151.0	200.0	13.71
RADD	283A	ADD	Binger	OK	26.20	67.6	10.0	16.20
KIMY	230A	LIC	Watonga	OK	88.73	12.7	72.0	16.73
KKNGFM	227C1	LIC	Newcastle	OK	91.99	85.1	75.0	16.99
RADD	230C1	ADD	Archer City	TX	169.05	188.1	133.0	36.05
RDEL	232C3	DEL	Elk City	OK	85.88	295.2	42.0	43.88
KXOO	232C3	LIC	Elk City	OK	87.21	291.3	42.0	45.21
ALLO.V	282C3	VAC	Granite	OK	72.00	255.5	12.0	60.00
ALLO.V	226A	VAC	Taloga	OK	99.55	339.8	31.0	68.55

Carnegie, OK CH 229A 70 dBu



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Mag 11.00
Sat Oct 18 21:16 2003
Scale 1:250,000 (at center)

5 Miles

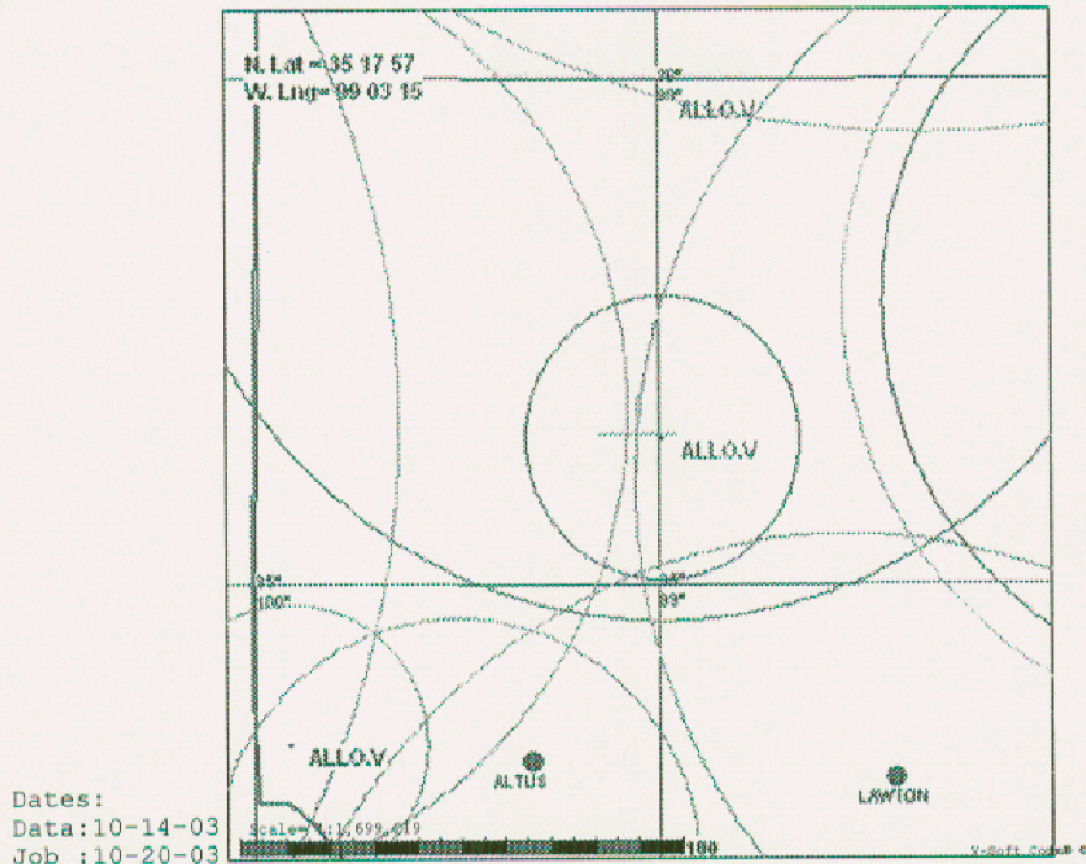
5 KM

- | | | | |
|--|-------------------|--|-------------------|
| | Major Connector | | Population Center |
| | State Route | | Land |
| | Toll Highway | | Water |
| | US Highway | | River/Canal |
| | Point of Interest | | Inundated Area |
| | Small Town | | |
| | Park/Reservation | | |
| | Locale | | |

Attachment B

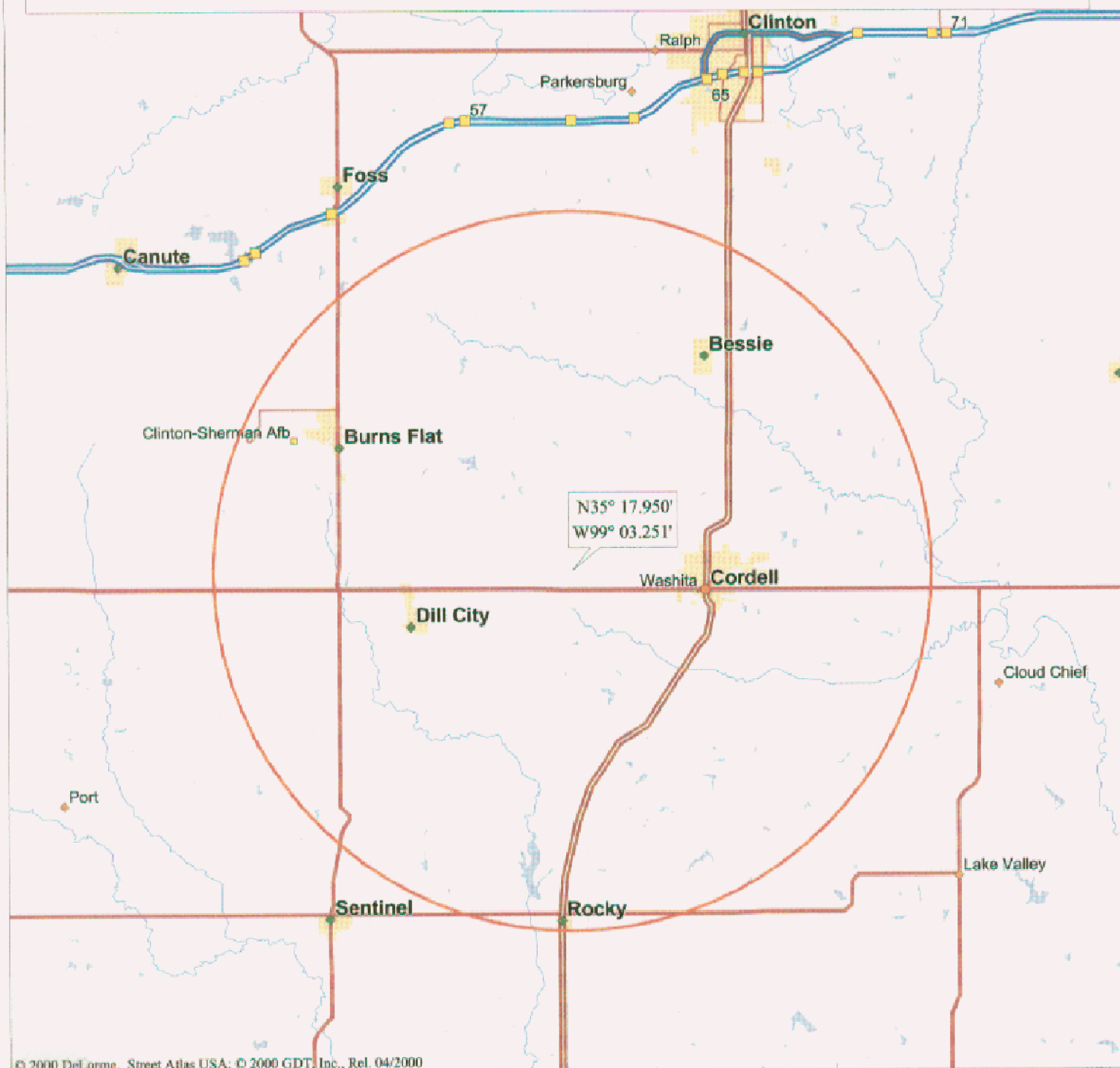
(Channel Study for Channel 226A at Cordell, Oklahoma)

FM PROSP^(TM) LOCATE STUDY CH 226 A 93.1 MHz



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
ALLO.V	226A	VAC	Taloga	OK	74.22	4.7	115.0	-40.78
ALLO.V	229A	VAC	Cordell	OK	5.93	99.9	31.0	-25.07
KKNGFM	227C1	LIC	Newcastle	OK	133.17	94.8	133.0	0.17
KBKH	225C2	LIC	Shamrock	TX	108.16	272.8	106.0	2.16
KNINFM	225C1	LIC	Wichita Falls	TX	162.12	163.0	133.0	29.12
KRKZ	228C2	LIC	Altus	OK	103.86	203.3	55.0	48.86
RDEL	223C	DEL	Oklahoma City	OK	144.58	78.5	95.0	49.58
KOMAFM	223C*	LIC	Oklahoma City	OK	144.58	78.5	95.0	49.58
KQIZFM	226C1	LIC	Amarillo	TX	254.01	270.6	200.0	54.01
RADD	223C0	ADD	Oklahoma City	OK	144.58	78.5	86.0	58.58
ALLO.V	223A	VAC	Hollis	OK	104.14	229.1	31.0	73.14
KHMY	226C*	LIC	Pratt	KS	299.28	12.6	226.0	73.28

Cordell, OK CH 226A 70 dBu



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Mag 11.00

Sat Oct 18 21:34 2003

Scale 1:250,000 (at center)

5 Miles

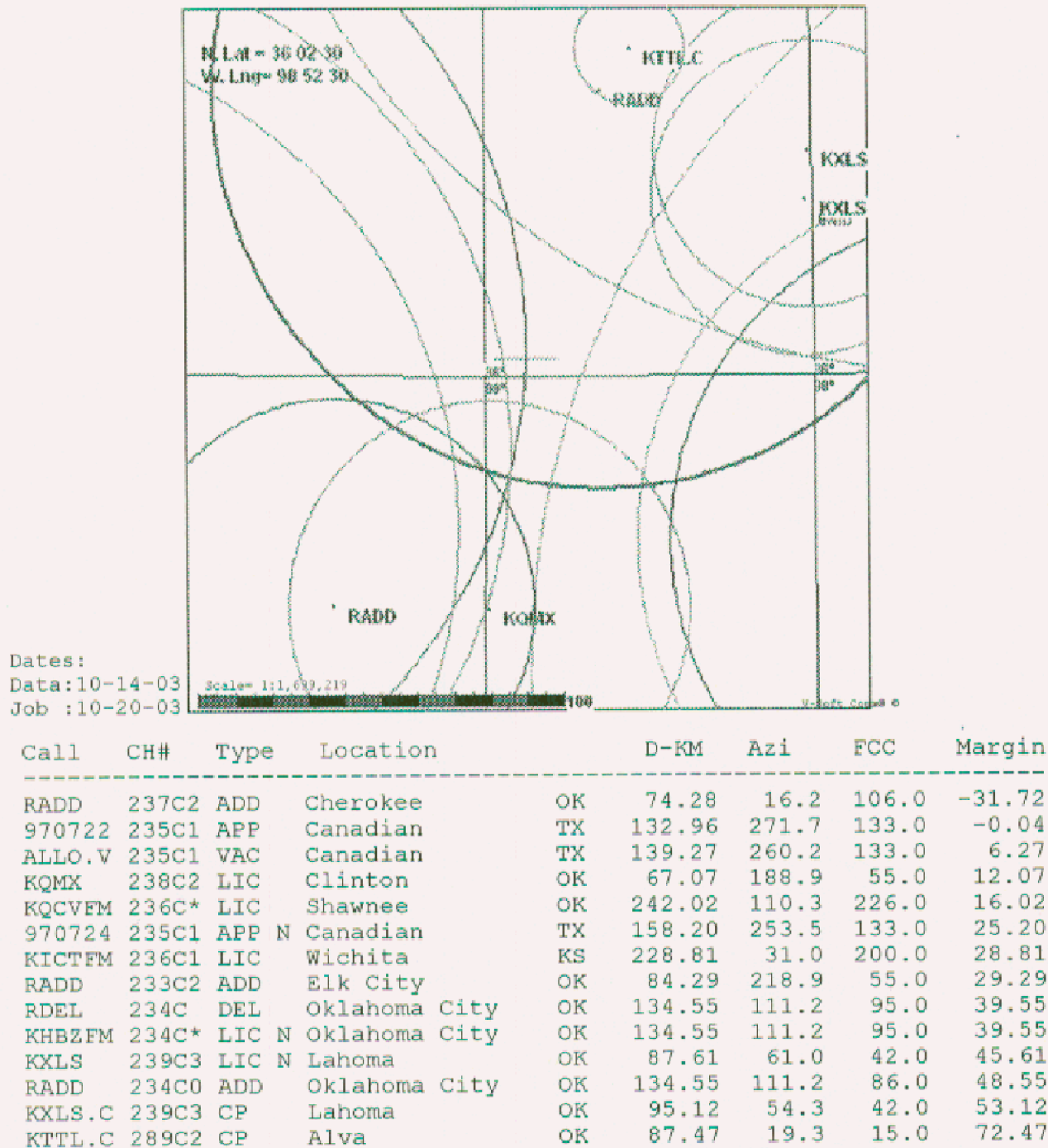
5 KM

- | | |
|-----------------------------|-----------------------|
| Local Road | County Seat |
| Major Connector | Small Town |
| State Route | Locale |
| Interstate/Limited Access | Sched Service Airport |
| Interstate/Unlimited Access | Population Center |
| US Highway | Water |
| Exit | River/Canal |
| Point of Interest | |

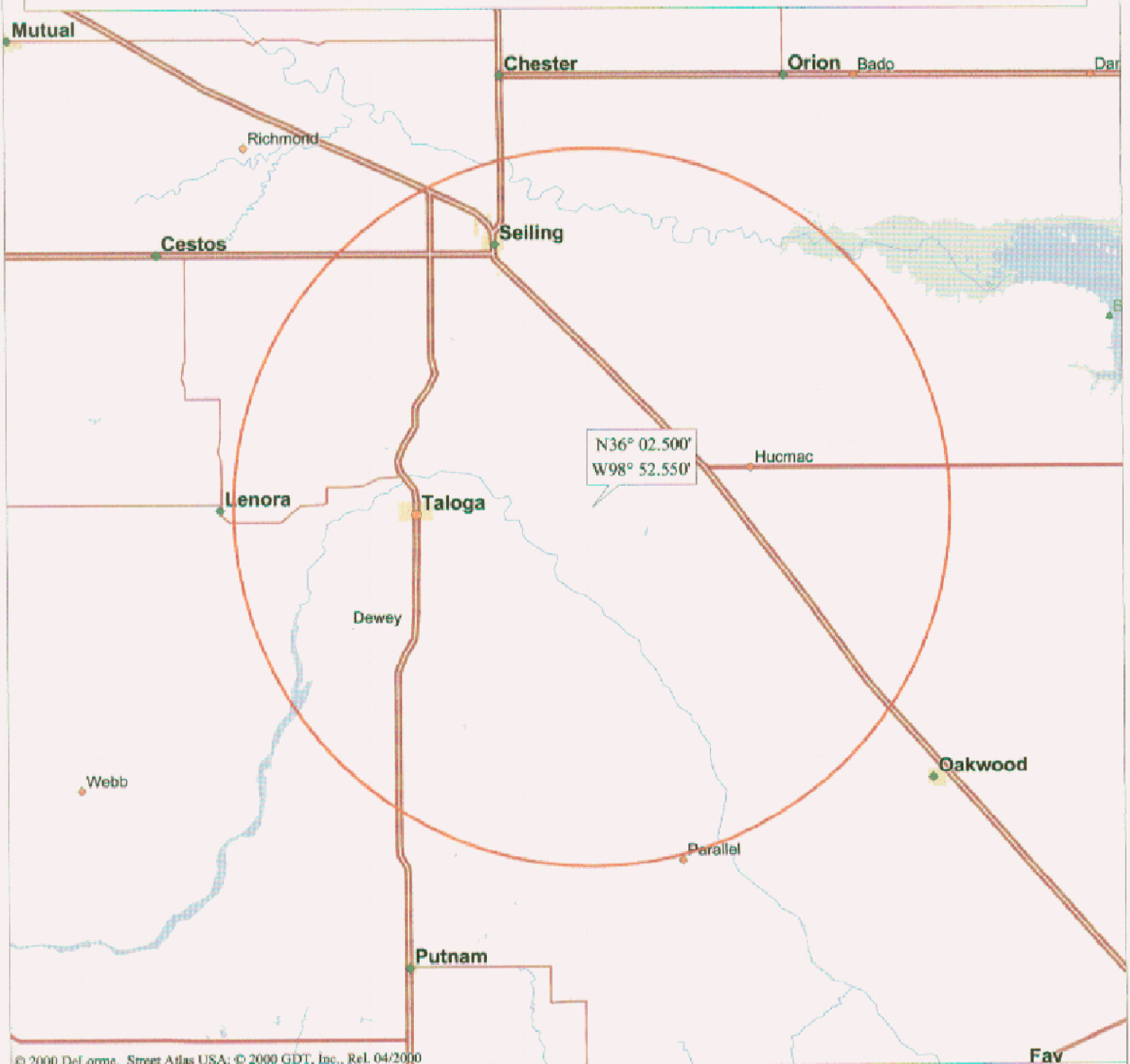
Attachment C

(Channel Study for Channel 236A at Taloga, Oklahoma)

FM PROSP^(TM) LOCATE STUDY CH 236 A 95.1 MHz



Taloga, OK CH 236A 70 dBu



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Mag 11.00
Sat Oct 18 21:40 2003
Scale 1:250,000 (at center)

5 Miles

5 KM

- Major Connector
- State Route
- US Highway
- County Seat
- Small Town
- Park/Reservation
- Locale
- Population Center

- Land
- Water
- River/Canal
- Inundated Area

Attachment D
(Report & Order dismissing Channel 237C2 at Cherokee, Oklahoma)

Carnegie

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),

Table of Allotments,

FM Broadcast Stations.

(Cherokee, Oklahoma)

REPORT AND ORDER
(Proceeding Terminated)

MM Docket No. 01-291
RM-10301

Released: December 9, 2002

Adopted: December 4, 2002

By the Assistant Chief, Audio Division:

1. Before the Audio Division for consideration is a *Notice of Proposed Rule Making*¹ which includes the captioned proceeding. As indicated below, the Notice sets forth five separate proposals to allot an FM channel to five specific communities. Maurice Salsa ("Salsa" or "Petitioner"), requests the allotment of Channel 237C2 to Cherokee, Oklahoma, as that community's first local aural transmission service. Petitioner filed responsive comments in response to the Notice, followed by a motion to dismiss the proposal. Comments and a counterproposal were filed by Robert Fabian ("Fabian"), requesting the allotment of Channel 237A to Cherokee instead of Channel 237C2, as well as the allotment of Channel 237A at Fort Supply, Oklahoma. Fabian subsequently filed a motion to dismiss his counterproposal.² Chisholm Trail Broadcasting Co. ("Chisholm") also filed comments and a counterproposal, as well as reply comments.³ No other comments were received.

2. As stated in the Appendix to the Notice, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. In this proceeding, since both Salsa and Fabian each have stated they no longer intend to pursue their allotment requests, we will dismiss the petition for rule making and grant Fabian's request to

¹ See Cherokee, OK, MM Docket No. 01-291; Ballinger, TX, MM Docket No. 01-292; Crowell, Texas, MM Docket No. 01-293; Eldorado, TX, MM Docket No. 01-294; and Jayton, TX, MM Docket No. 01-295, 16 FCC Rcd 18078 (M.M. Bur. 2001) ("Notice"). The proposals set forth in the multiple Notice were not mutually exclusive with each other. A separate Report and Order has been issued in the Ballinger, TX proceeding, (MM Docket No. 01-292), 17 FCC 2d 12804 (2002), and in the Eldorado, TX proceeding, (MM Docket No. 01-294), 17 FCC 2d 12806 (2001). In light of developments that have occurred in the Cherokee, OK proceeding, as noted *infra*, and to accommodate a pending modification application for Station KXLS at Lahoma, OK, we are deciding MM Docket No. 01-291 separately from the two remaining docketed proceedings contained in the Notice.

² In view of the subsequent withdrawal of Fabian's counterproposal, it was not placed on public notice.

³ Chisholm requested a slight alteration to the reference coordinates for the proposed allotment of Channel 237C2 at Cherokee, OK, to accommodate its modification application for Station KXLS at Lahoma, OK. However, in light of Salsa's motion to dismiss its proposal, the conflict with the Lahoma application has been eliminated. Therefore, Chisholm's counterproposal was not placed on public notice.

withdraw its counterproposal.⁴

3. Salsa and Fabian each filed comments consistent with the requirements of Section 1.420(j) of the Commission's Rules, stating that they did not receive any consideration for the withdrawal of their interest in this proceeding.

4. In view of the above, IT IS ORDERED, That the petition for rule making filed by Maurice Salsa (RM-10301), requesting the allotment of Channel 237C2 to Cherokee, Oklahoma, IS DISMISSED.

5. IT IS FURTHER ORDERED, That the counterproposal filed by Robert Fabian requesting the allotment of Channel 237A to Cherokee instead of Channel 237C2, and the allotment of Channel 237A at Fort Supply, Oklahoma, IS DISMISSED.

6. For further information concerning this proceeding, contact Nancy Joyner, Media Bureau, (202) 418-2180

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁴ See, e.g., *Joshua Tree, California*, 4 FCC Rcd 3801 (1989); *Bridport, Vermont*, 5 FCC Rcd 6172 (1990); *Alexander City, Alabama and West Point, Georgia*, 9 FCC Rcd 2823 (1994), and *Notice*, Appendix at para. 2.